<u>**REMARKS**</u>

Claims 1 to 15 were previously pending in this application.

Claims 2 to 10, 13 and 14 have been objected to for minor typographical errors.

Claims 12 to 15 have been rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

Claims 1 to 10 and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 to 15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,433,941 (Lavian).

<u>**Amendments to Claims**</u>

The claims of the application have been amended to overcome the objections of the Examiner and to better define the invention in light of the prior art. In particular, claims 1 and 11 have been amended to clarify that the communication interfaces include different **types** of interfaces, which are for communicating with and monitoring different **types** of networks, as disclosed in paragraphs 0020, 0021 and 0031 of the present application. Accordingly, the present invention provides a testing device that can be used simultaneously with multiple different types of networks, e.g. IP, FDDI ring and Token ring, and that can be upgraded with new plugins and new interfaces, as time goes by for testing newer different types of networks, as well as existing legacy networks without requiring the installation of new agents. Independent Claims 8 and 15 already include similar limitations.

Claim 6 has been amended to more clearly define the provision of a <u>request router</u> and an <u>interface table</u> for identifying test requests and for directing each test request to the specific plugin and interface corresponding to the message. The interface table maintains a record of each plugin and the corresponding communication interfaces, whereby the request router can direct the message to the appropriate plugin based on the type of message, i.e. the type of interface corresponding to the message.

The cited Lavian reference only relates to monitoring a single network, and therefore does not disclose or even infer the use of different <u>types</u> of interfaces for communicating with and testing multiple different <u>types</u> of networks.

Moreover, the Lavian reference does not and could not disclose the use of a request router and an interface table for directing messages relating to different types of interfaces and networks based on common parts of the message, since the Lavian reference only discloses a single type of network, and therefore would not need such a routing system.

Both of the cited passages from the Lavian reference cited by the Examiner clearly disclose the monitoring of network devices in a single network, and do not even hint at the problems involved with multiple different types of networks.

Col 3, line 62 to Col 4, line 4:

Target network device 112 depicts an exemplary network device monitored by either a user or central NMS 116. The client node user interface 114 allows the user to perform network management tasks that execute directly on target network device 112. NMS 116 is used to monitor larger and more frequent management tasks dealing with groups of network devices or <u>the</u>

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overall network. For example, NMS server 116 can execute software
agents on different network devices and monitor overall traffic
being processed by a group of network devices connected to the
network.

Col 8, line 60 to Col 9, line 14:

*   The network management application then determines if the*
requested network parameter is associated with the local network
device or a remote network device (step 604). If the network
parameter is associated with a remote network device, the network
management application forms and sends a request for the network
parameter to the remote network address of the network device
(step 606). For example, the network management application may
request that SNMP stack 217 (see FIG. 2) create a PDU to gather
MIB information on the remote device. This request can be formed
using an object-oriented programming language such as Java. SNMP
stack 217 then transmits the request for a network parameter over
the network to the remote network device for processing. A
network protocol such as TCP/IP associated with that remote
network device receives the request for the network parameter.
The SNMP stack on the remote network device processes the request and
retrieves the requested network parameter, which includes MIB
information (step 608). Once the network parameter is received on
a remote network device, the corresponding SNMP stack packages
the result into a PDU and sends the results back to SNMP stack
217 for processing by the network application executing on a
local network device (step 610).

    Claims 2 to 7, 9, 10, 13 and 14 have been amended to include
the definite article "The". The typographical errors in claim 8
have also been corrected.

    To overcome the 35 U.S.C. § 101 rejections, the term

"tangible" has been removed from claim 12, and the term "non-transitory" has been added to claim 15.

    To overcome the 35 U.S.C. § 112, second paragraph, rejections, claim 1 has been amended to clarify that the "agent" is indeed the "communication test/measurement agent" introduced in the preamble of the claim. The phrase ", which enables" has been added to claim 1 after the term "communication unit" to clarify that the communication unit of the communication test/measurement agent enables communication between the communication test/measurement agent and a network for operating the communication test/measurement agent. Similarly, claim 8 has been amended to include the phrase ", which is" after the term "a third one of the requests" to clarify that the third request is not directed to a communication interface.

    Claim 15 has been amended to include the phrase "device for" after "machine-readable" to clarify that a machine-readable storage device is for storing information.

    The title has been amended to read:

Network Test/Measurement Agent Extensible With Different Types of Network Interfaces

    Should any minor informalities need to be addressed, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

    Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

In re Patent Application of:
RHODA ET AL.
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Respectfully submitted,

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